

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVARRIO WEBB, #451915,

Plaintiff,

CIVIL ACTION NO. 12-12370

v.

DISTRICT JUDGE SEAN F. COX

SAGINAW POLICE DEPARTMENT,
OFFICER BLAKE HIBBEN, and
OFFICER JOAQUIN GUERRERO,

MAGISTRATE JUDGE MARK A. RANDON

Defendants.

REPORT AND RECOMMENDATION TO
DISMISS DEFENDANT JOAQUIN GUERRERO

On December 3, 2012, Plaintiff filed a Motion for Leave to File First Amended and/or Supplemental Complaint under 42 U.S.C. §1983 (Dkt. No. 21). In his motion, Plaintiff says he “seeks to drop one defendant” and “he desires to drop defendant Guerrero” (Dkt. No. 21 at pgs. 2-3). Accordingly, **IT IS RECOMMENDED** that Plaintiff’s claims against Officer Joaquin Guerrero be **DISMISSED**.

The parties to this action may object to and seek review of this Report and Recommendation, but are required to act within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of HHS*, 932 F.2d 505, 508 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). The filing of objections which raise some issues, but fail to raise others with specificity, will not preserve all the objections a party might have to this Report and Recommendation. *Willis v. Sec'y of Health & Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers*

Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Within fourteen (14) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be no more than 20 pages in length unless, by motion and order, the page limit is extended by the court. The response shall address each issue contained within the objections specifically and in the same order raised.

s/Mark A. Randon
MARK A. RANDON
UNITED STATES MAGISTRATE JUDGE

Dated: December 20, 2012

Certificate of Service

I hereby certify that a copy of the foregoing document was served on the parties of record on this date, December 20, 2012, by electronic and/or first class U.S. mail.

s/Melody R. Miles
Case Manager to Magistrate Judge Mark A. Randon